



PECFA POST



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Welcome to the winter 2003-2004 issue of the Wisconsin Department of Commerce PECFA Post. This issue provides updates with regard to the investigation, remediation and closure of petroleum contaminated sites.

COMMERCE IMPLEMENTS ANNUAL ELECTRONIC REPORTING FOR PECFA

Wisconsin Statute 101.143(2)(l)2 requires that the Wisconsin Department of Commerce (Commerce) and the Wisconsin Department of Natural Resources (WDNR) request annually an estimate of additional costs to obtain closure from responsible parties (RPs) for each PECFA site. This requirement applies to all PECFA sites either in the investigative or the remediation phase. Both departments have complied with this requirement by promulgating Wisconsin Administrative Code (WAC) chapter COMM 46.10 and WAC chapter NR 746.10. Presently, the second annual reporting request is being implemented through the responsible party or consultant providing the required information via the Commerce web page. The information requested includes an update on the status of site remediation and an estimate of the additional costs required to achieve closure. This information, when compiled, will be presented to the Legislature as part of an update on the status of the PECFA program. The information is not intended to establish a maximum reimbursement amount (cap).

The information must be received before December 31, 2003 and can be provided by either the responsible party or the consultant. Sites with multiple releases can be reported on an individual release basis. Problems with the form or questions about the process are to be addressed to Cathy Voges, Bureau of PECFA Site Review Section Program Assistant. Ms. Voges can be reached by phone at (608) 261-7717 or by email at cvoges@commerce.state.wi.us. For site specific questions, you may be referred to the appropriate claim reviewer.

Following are frequently asked questions with regard to annual reporting:

Q: Can the RP provide the information?

A: Yes. However, the consultant needs to be informed that the information has been reported.

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Q: How is the PECFA claim number entered on the web site?

A: The PECFA claim is to be entered with no hyphens, spaces, commas, slashes, etc.

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Q: Why can't I access the web site using the web address provided in the letter?

A: The hyperlink underline covers up the underscore symbol between ER and SiteRev (ER SiteRev...). Enter the underscore in the web site address and the problem should be corrected. If problems persist, contact Cathy Voges.

Q: If the property is sold and the purchaser assumed the responsibility for the cleanup, do I still have to complete the annual reporting?

A: No. Please provide Commerce the name, address and phone number (if known) of the new owner (responsible party) and they will be contacted to provide the requested information.

REIMBURSEMENT OF INTEREST COSTS IF A SITE INVESTIGATION IS NOT COMPLETED WITHIN FIVE YEARS

The June 2003 issue of the PECFA Post reported that PECFA loan interest would be denied if the site investigation (SI) is not completed by the first day of the 61st month after Commerce is notified of intent to access PECFA. Since that issue, there have been numerous questions on how to calculate the 61st month. Following is an example of how the 61st month is determined:

Commerce is notified on January 5, 2001 that the PECFA program will be utilized for reimbursement of clean up costs. The 1st day of the 61st month is February 1, 2006. The date is arrived at by taking the month that Commerce was notified (in this case January), advancing to the first day of the next month (February), and adding 60 months (5 years). The SI must be completed on or before that date.

COMPLETION OF THE SITE INVESTIGATION

Questions have been received with regard to the date Commerce considers the SI complete. This was addressed in the June 2003 issue of the PECFA Post. However, one significant change has been made to how Commerce determines this date.

Upon approval, by the agency with oversight, of the SI being complete, Commerce will consider the report submittal date (date received and stamped) as the completion date. For example: the SI report was stamped as received by the agency with oversight on October 1, 2003. The report was reviewed and approved December 15, 2003. Commerce will consider the SI completion date as October 1, 2003. However, if the reviewer requests additional information, the October 1, 2003 date is no longer valid as the SI completion date.

***PECFA Post* circulation and a request for Topics of Concern**

We are continuing to move toward total electronic distribution of the *PECFA Post*. We appreciate your e-mail address if you are not already receiving the Post electronically. Forward your e-mail address to berdman@commerce.state.wi.us. If you do not have e-mail, you may call, (920) 303-5410, or write [Beth Erdman](#) at ERS Division, Bureau of PECFA, 2129 Jackson Street, Oshkosh WI 54901 and request to be placed on a mailing list.

We are always happy to receive suggestions for future *Post* topics or comments on current articles. Please use the e-mail or mailing addresses listed above to submit your suggestion(s) and / or comments to [Beth Erdman](#).

COMM 47.338 REVIEW OF EXISTING SITES

Commerce, via the WAC COMM 47.338 process in conjunction with the WDNR, is currently reviewing sites where \$200,000.00 or more has been claimed from PECFA. The review is intended to determine if sites can be closed with current data. For those sites that cannot be closed with current data, the review is to determine what additional tasks are needed to achieve closure and what costs are required to complete those tasks. The review will move sites to closure that have been idle for years. Future plans include the review of all existing sites.

REGIONAL SERVICE PROVIDER PILOT STUDY

Commerce is preparing to move forward with a pilot study to ascertain the value of having a Regional Service Provider (RSP) conduct basic tasks performed as part of investigations and remediations. These tasks may include, but are not limited to, initial site investigation, monitoring well installation and sampling. The pilot study will be conducted in the WDNR's Northeast Region. The concept is to have one or more firms, selected through the competitive bid process, available to do prescribed fieldwork, for a predetermined cost in a short time frame. RSPs will be chosen based on a bidding format that has yet to be determined. It is anticipated that the bid specifications for this pilot study will come out in conjunction with bid round #30, scheduled for release on February 16, 2004. Information about the RSP bid selection process will be made available through the PECFA Post, WDNR RR News, WDNR RE News Publication and the Commerce PECFA web page.

If you have any questions or comments, you may contact Tom Verstegen via email at tverstegen@commerce.state.wi.us.

TRACKER ON THE WEB

Commerce is in the process of developing a link to access our computer tracking system from the Commerce Website. The link will allow the private sector to access site information for Commerce sites, much like the WDNR's BRRTs on the Web. Progress with regard to the link will be reported in future issues of the PECFA Post.

CLARIFYING USE OF THE MANN-KENDALL STATISTICAL ANALYSIS TEST

At the WAC chapter NR 700 Consultant Focus Group meeting on November 10, 2003, a question was raised with regard to the Mann-Kendall Statistical Analysis Test for site closures. WDNR responded that the Mann-Kendall Statistical Analysis Test is to be used for simple closures per WAC chapter NR 746 and it was not intended that the test be submitted with every closure submittal. Furthermore, closure of sites under NR 746 does not preclude the use of other methods to demonstrate that a site is ready for closure. The WDNR *"Guidance on Natural Attenuation for Petroleum Releases"* presents several tests for justifying closure.

It was also noted at the meeting that quarterly monitoring might not be appropriate at all sites, including those with free product. In some cases, particularly sites with low hydraulic conductivities, semi-annual or annual groundwater sampling might be considered more appropriate.

INTERSTATE TECHNOLOGY REGULATORY COUNCIL

The Interstate Technology Regulatory Council (ITRC) develops guidance documents and provides training courses to interested parties. A wide variety of environmental investigation and remedial technologies and concepts are addressed with training accomplished through classroom courses and via the Internet; Internet training courses are free to all that participate. Currently there are 15 active technical teams and 21 guidance documents available covering such topics as *DNAPLs*, *Contaminated Sediments*, *Diffusion Samplers*, *Mitigation Wetlands*, *Constructed Wetlands*, *In Situ Bioremediation*, *Permeable Reactive Barriers*, *Diffusion Samplers* and more. The number of active technical teams is limited by funding available each year. Ideally, at a minimum, each team is to include consultants, state and federal regulators, and stakeholders. The intent of group diversity is to develop a better and more user-friendly final product.

Shawn Wenzel, a Senior Hydrogeologist with the Site Review section of the Bureau of PECFA, has been an active member of ITRC since March 2003. Mr. Wenzel is a member of the *Sampling, Characterization and Monitoring* (SCM) team.

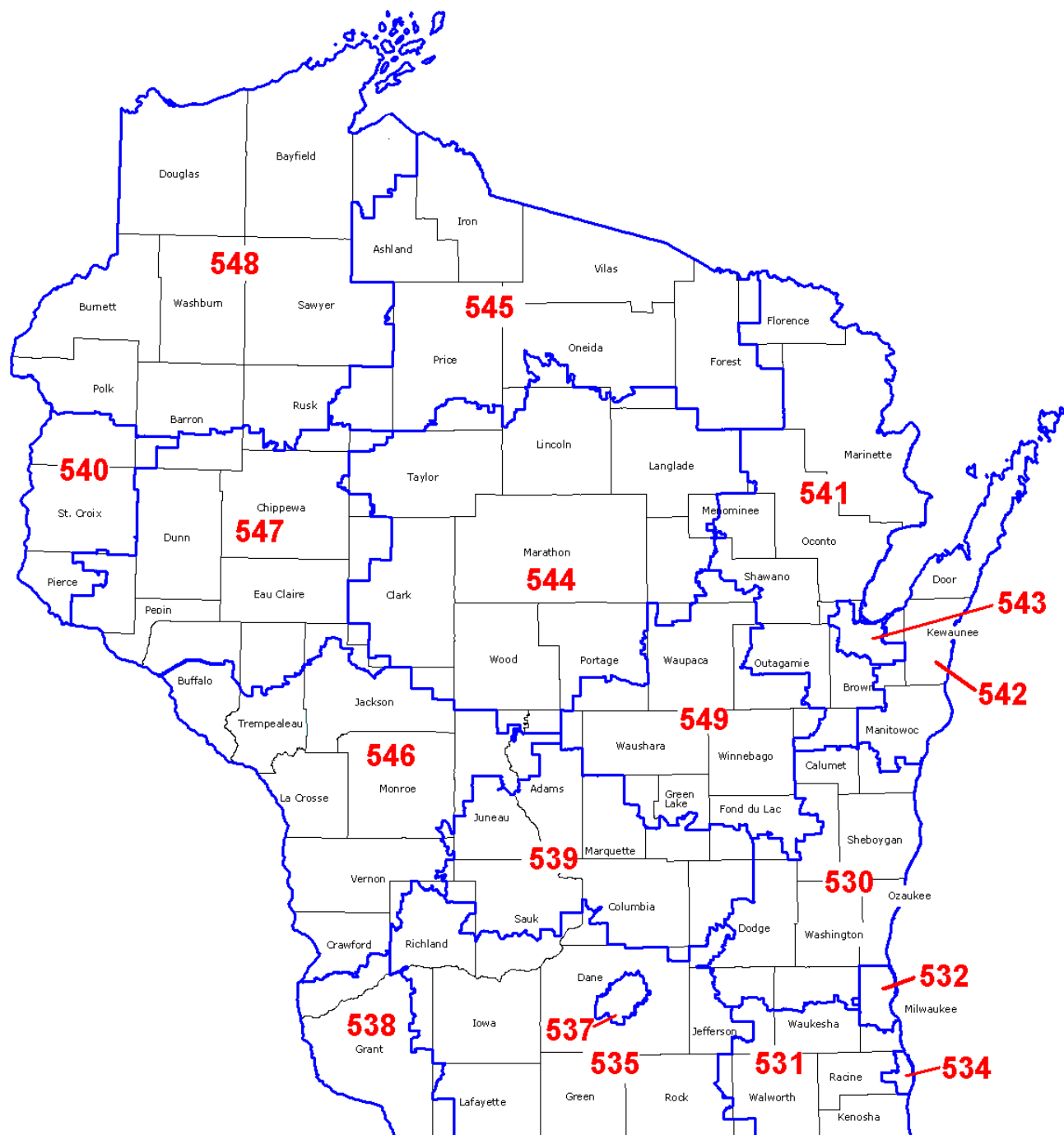
Check the ITRC website at www.itrcweb.org for more detailed information about the organization. If you have any questions about ITRC and Commerce's involvement with the organization, contact Shawn Wenzel by telephone at (608) 261-5401 or by email at swenzel@commerce.state.wi.us.

INTERAGENCY TRAINING TOPICS

Comm 46.12 directs the WDNR and Commerce to identify staff training needs at least once each year and conduct staff training annually. In addition, the administrative code requires that we receive recommendations on interagency staff training needs from interested parties outside of Commerce and the WDNR before finalizing training plans each year. **We are in the process of beginning to prepare plans for the next interagency training session and your suggestions for potential topics are requested.** Please provide your recommendations for interagency training topics for next year to rklaug@commerce.state.wi.us.

THE WISCONSIN DEPARTMENT OF COMMERCE, BUREAU OF PECFA, WOULD LIKE TO WISH YOU AND YOURS A VERY SAFE AND HAPPY HOLIDAY SEASON!!

PECFA SITE REVIEW ZONE COVERAGE MAP



PECFA SITE REVIEW ZONE CONTACT INFORMATION

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